

Hawaii Revised Statutes, Chapter 291, Part III. Parking for Disabled Persons
As Amended by Act 30, Session Laws of Hawaii, 2003

§291-51 Definitions. As used in this part, the following terms have the following meanings:

“Access aisle” means the area that is adjacent to a parking space reserved for a person with a disability and that is to be used exclusively by that person for the purpose of entering and exiting a vehicle.

“Certificate of disability” means a medical statement issued by a licensed practicing physician, which verifies that a person is disabled, limited, or impaired in the ability to walk.

“Disability and communication access board” means the disability and communication access board established by chapter 348F.

“International symbol of access” means the symbol adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled.

“Issuing agency” means an agency authorized by a county to issue removable windshield placards, temporary removable windshield placards, special license plates, and identification cards pursuant to this part.

“Parking space reserved for persons with disabilities” means a public or private parking space, including the access aisle, designated for the use of a person with a disability that is designed and constructed in compliance with the requirements of the federal Americans with Disabilities Act of 1990, as amended, and related rules and guidelines, and is marked with a sign designating the parking space as reserved for persons with disabilities.

“Person with a disability” means a person with a disability which limits or impairs the ability to walk, and who, as determined by a licensed practicing physician:

- (1) Cannot walk two hundred feet without stopping to rest, due to a diagnosed arthritic, neurological, orthopedic, renal, vascular, or oncological condition;
- (2) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;
- (3) Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- (4) Uses portable oxygen; or
- (5) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association.

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“Private entity” means a private owner or lessee of a parking facility or site where invitation to the general public is expressed or implied.

“Private parking” means a privately owned parking facility or site where invitation to the general public is expressed or implied.

“Public entity” means the State or any of its counties.

“Public parking” means a parking facility or site under state or county jurisdiction.

“Removable windshield placard” means a two-sided, hanger-style placard issued under this part to a person with a disability who presents a certificate of disability that verifies that the applicant's disability is expected to last for at least four years.

“Sign designating the parking space as reserved for persons with disabilities” means a sign which contains:

- (1) The words, “Reserved Parking”;
- (2) The international symbol of access;
- (3) Words indicating that the space is reserved for parking by persons with disabilities who have valid placards or special license plates; and
- (4) The maximum fine for parking illegally in the space.

“Special license plate” means a license plate that displays the international symbol of access:

- (1) In a color that contrasts to the background; and
- (2) In the same size as the letters or numbers on the plate.

“Temporary removable windshield placard” means a two-sided, hanger-style placard issued under this part to a person with a disability who presents a certificate of disability that verifies the person's disability in monthly increments, which shall not exceed six months. [L 1984, c 46, pt of §2; am L 1986, c 213, §1; am L 1992, c 46, §3; am L 1997, c 308, §5; am L 1999, c 282, §5; am L 2001, c 297, §2; am L 2002, c 16, §15; am L 2003, c 30, §2]

§291-51.4 Fraudulent verification of an applicant as a person with a disability; penalty. A physician who fraudulently verifies that an applicant is a person with a disability to enable the person to represent to the issuing agency that the person is qualified to obtain a removable windshield placard, temporary removable windshield placard, or special license plates shall be guilty of a petty misdemeanor. Each fraudulent verification shall constitute a separate offense. [L 2001, c 297, pt of §1]

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§291-51.5 Special license plates. Upon application by a person with a disability, each county shall issue special license plates for the vehicle registered in the applicant's name if the vehicle is primarily used to transport that person. The fee for the issuance of special license plates shall not exceed the fee charged for a similar license plates for the same class vehicle. [L 1992, c 46, pt of §2; am L 1997, c 308, §6; am 2001, c 297, §3]

§291-51.6 Issuance of temporary removable windshield parking placards. Each county may issue one temporary removable windshield placard and a second temporary removable windshield placard to each applicant who requests and presents a certificate of disability that verifies the duration of the applicant's disability in monthly increments, which shall not exceed six months, and upon payment of a fee to the issuing agency. The temporary removable windshield placard shall be designed, fabricated, and sold to the counties at a rate negotiated by the disability and communication access board. [L 1992, c 46, pt of §2; am L 1997, c 308, §7; am L 2001, c 297, §4; am L 2003, c 30, §3]

§291-51.7 Reciprocity. The State, counties, and private property owners shall recognize removable windshield placards, temporary removable windshield placards, and special license plates which have been issued by authorities of other states and countries, for the purpose of identifying persons permitted to:

- (1) Utilize parking spaces reserved for persons with disabilities; or
- (2) Exercise other parking privileges afforded by the State, counties, or private property owners for the benefit of persons with disabilities. [L 1992, c 46, pt of §2; am L 1997, c 308, §8; am 2001, c 297, §5]

§291-52 Issuance of removable windshield placard. Each county may issue one removable windshield placard and a second removable windshield placard to each applicant who so requests and presents a certificate of disability that verifies that the applicant's disability is expected to last for at least four years. The removable windshield placard shall expire four years after the date of its issuance. The removable windshield placard shall be designed, fabricated, and sold to the counties at a rate negotiated by the disability and communication access board. [L 1984, c 46, pt of §2; am L 1992, c 46, §4; am L 1997, c 308, §9; am L 1999, c 282, §6; am L 2001, c 297, §6; am L 2003, c 30, §4]

§291-52.5 Issuance of identification card. Each issuing agency shall issue one identification card when it issues a removable windshield placard, temporary removable windshield placard, or special license plates to each person with a disability. The identification card shall have the same date of expiration as the removable windshield placard, temporary removable windshield placard, or special license plates issued to the person. The identification card shall not be issued with a second removable windshield placard or second temporary removable windshield placard. The identification card shall indicate the applicable serial number of the removable windshield placard or temporary removable windshield placard or the special license plates number. The identification card shall also indicate the applicable serial number of the second removable

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windshield placard or second temporary removable windshield placard if issued. [L 2001, c 297, pt of §1]

§291-52.5 Issuance of identification card. Each issuing agency shall issue one identification card at the same time it issues a removable windshield placard, temporary removable windshield placard, or special license plates to a person with a disability. [L 2001, c 297, pt of §1; am L 2003, c 30, §5]

§291-52.6 Replacement of a lost, stolen, or mutilated placard or identification card. A removable windshield placard, temporary removable windshield placard, or identification card that is reported lost, stolen, or mutilated may be replaced upon the submittal of a written statement by a person with a disability that the placard or identification card was either lost, stolen, or mutilated and a completed application for a removable windshield placard, temporary removable windshield placard, or identification card to the issuing agency. [L 2001, c 297, pt of §1; am L 2003, c 30, §6]

§291-52.7 Fraudulent manufacture or alteration of placards and identification cards. Any person who fraudulently manufactures or alters a removable windshield placard, temporary removable windshield placard, or identification card for personal use, sale, or issuance to another person to circumvent the issuance requirements of this part, or any person who uses a fraudulently manufactured or altered placard or identification card to circumvent the issuance requirements of this part, shall be guilty of a misdemeanor. The fraudulent manufacture or alteration of each placard and of each identification card for personal use, sale, or issuance or is otherwise used in violation of this section shall constitute a separate offense. [L 2001, c 297, pt of §1; am L 2003, c 30, §7]

§291-53 Nontransferability; penalty. The removable windshield placard, temporary removable windshield placard, or special license plates shall not be used by anyone other than the person with a disability to whom it is issued unless it is being used in connection with the transport of the person with a disability. An unauthorized person using the removable windshield placard, temporary removable windshield placard, or special license plates to obtain the special parking privileges authorized under this part or otherwise afforded by the State or counties, shall be guilty of a traffic infraction under chapter 291D and fined not less than \$250 nor more than \$500. A removable windshield placard, temporary removable windshield placard, or special license plates may be confiscated by a law enforcement officer or commissioned volunteer enforcement officer of the county law enforcement agency for any unauthorized use. [L 1984, c 46, pt of §2; am L 1992, c 46, §5; am L 1997, c 308, §10; am 2001, c 297, §7]

§291-54 Display of removable and temporary removable windshield placards. The placard shall be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard. [L 1984, c 46, pt of §2; am L 1992, c 46, §6; am L 1997, c 308, §11; am 2001, c 297, §8]

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§291-55 Metered parking privileges. Any vehicle displaying special license plates, a removable windshield placard, or a temporary removable windshield placard issued under this part shall be permitted to park, without payment of metered parking fees, in any metered parking space for a maximum of two-and-a-half hours or the maximum amount of time the meter allows, whichever is longer. All parking fees not specifically exempted under this part shall remain in effect. [L 1984, c 46, pt of §2; am L 1990, c 161, §1; am L 1992, c 46, §7; am L 2001, c 297, §9; am L 2003, c 30, §8]

§291-56 Rules. The disability and communication access board may adopt rules under chapter 91 to carry out the purposes of this part, including rules for:

- (1) The issuance, renewal, confiscation, revocation, and suspension of removable windshield placards, temporary removable windshield placards, and special license plates;
- (2) Decertification, reciprocity, and the replacement of placards and identification cards;
- (3) The design of the placard, identification card, and special license plates;
- (4) The establishment of fees for placards;
- (5) Signage and marking of parking spaces; and
- (6) Penalties. [L 1984, c 46, pt of §2; am L 1992, c 46, §8; am L 1997, c 308, §12; am L 1999, c 282, §7; am L 2001, c 297, §10; am L 2003, c 30, §9]

§291-57 Parking spaces reserved for persons with disabilities; penalties. (a) Any person who uses a parking space reserved for persons with disabilities who:

- (1) Fails to properly display a removable windshield placard, a temporary removable windshield placard, or special license plates;
- (2) Displays an invalid removable windshield placard, an invalid temporary removable windshield placard, or invalid special license plates;
- (3) Uses a removable windshield placard, a temporary removable windshield placard, or special license plate that was not issued to that person or to any passengers occupying the vehicle in the parking space; or
- (4) With or without a removable windshield placard, a temporary removable windshield placard, or special license plates:
 - (A) Parks in an access aisle; or

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- (B) Obstructs the ingress or egress to a parking space reserved for a person with a disability;

shall be guilty of a traffic infraction under chapter 291D and shall be fined not less than \$250 nor more than \$500 and pay any costs incurred by the court related to assessing the fine; provided that a person with a disability who has been issued a valid placard or special license plate that is currently in effect, and who has failed to display the placard or license plate while parking in a space reserved for persons with disabilities, shall pay a fine of not less than \$25 nor more than \$100 and any costs incurred by the court related to assessing the fine.

(b) Any person who uses a parking space reserved for persons with disabilities and refuses or fails to present an identification card issued under this chapter or the rules adopted thereunder to an enforcement officer upon request shall be guilty of a traffic infraction under chapter 291D and shall be fined not less than \$250 nor more than \$500.

(c) Any citation issued under this chapter may be mailed to the violator pursuant to section 291C-165(b). [L 1997, c 308, §2; am L 2001, c 297, §11; am L 2003, c 30, §10]

§291-58 Requirement to provide parking for persons with disabilities; penalty. Beginning July 1, 2002, any public or private entity that provides a parking space reserved for persons with disabilities shall comply with this part and any administrative rules adopted under this part. A private entity that fails to comply with this section shall be fined not less than \$250 nor more than \$500 for each separate offense. Each day of violation shall constitute a separate offense. Any action taken to impose or collect any penalty provided for in this section shall be considered a civil action. [L 2001, c 297, pt of §1]

§291-59 Enforcement. Notwithstanding any law to the contrary, and in addition to any other authority provided by law that is not inconsistent with the purposes of this part:

- (1) A law enforcement officer may access the property of a private entity to enforce the provisions of this part; and
- (2) A commissioned volunteer enforcement officer may access the property of a private entity during normal business hours of the entity to enforce the provisions of this part;

provided that the private entity's parking lot contains a parking space reserved for persons with disabilities. [L 2003, c 30, §1]